

#15

Attorney's Docket No. 3477-89

PATENT

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

In re: Application of Egan et al.

Group: 1646

Serial No.: 09/674,237

Filed: July 24, 2001

For: *ESE GENES AND PROTEINS*

Date: January 11, 2002

Commissioner for Patents
Washington, DC 20231

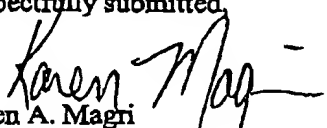
REQUEST FOR REFUND OF FILING FEE

Sir:

At the time the above-referenced patent application was filed, Applicants paid a filing fee of \$3384.00. A copy of the cleared check (Check No. 19519) is enclosed for your ready reference.

On November 29, 2000 Applicants submitted a Verified Statement Claiming Small Entity Status (copy enclosed). As reflected on the Small Entity Transmittal, the filing fee was re-calculated at the small entity rate, and a refund was requested in the amount of \$1692.00. However, no such refund has been received. Accordingly, please credit \$1692.00 to our Deposit Account No. 50-0220.

Respectfully submitted,


Karen A. Magri
Registration No. 41,965

Customer Number:



20792

PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on January 11, 2002.



Traci A. Brown

Date of Signature: January 11, 2002

FORM PTO-1500 (U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

3477-69

U.S. APPLICATION NO. (IF KNOWN, PER 37 C.F.R. 1.5)

09/674,237

INTERNATIONAL APPLICATION NO.

PCT/CA99/00375

INTERNATIONAL FILING DATE

27 Apr 11 1999

PRIORITY DATE CLAIMED

27 April 1998

TITLE OF INVENTION

ESE GENES AND PROTEINS

APPLICANT(S) FOR DO/EO/US

Sean E. EGAN; Wei WANG; Ameet SENGAR

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ [...] This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ [X] This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ [] This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ [] A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ [] A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ [] is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ [] has been transmitted by the International Bureau.
 - c. ☐ [] is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ [] A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ [] Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ [] are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ [] have been transmitted by the International Bureau.
 - c. ☐ [] have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ [] have not been made and will not be made.
8. ☐ [] A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ [] An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ [] A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ [] An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ [] An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ [] A **FIRST** preliminary amendment.
☐ [] A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ [] A substitute specification.
15. ☐ [] A change of power of attorney and/or address letter.
16. ☒ [X] Other items or information: Verified Statement Claiming Small Entity Status

U.S. APPLICATION NO. (Of course, see 37 C.F.R. 1.30)

INTERNATIONAL APPLICATION NO.

A1 /S DOCKET NUMBER

09/674,237

PCT/CA99/00375

3477-89

17. [] The following fees are submitted:

Basic National Fee (37 CFR 1.492(a)(1)-(5)):

Search Report has been prepared by the EPO or JPO\$860.00

International preliminary examination fee paid to USPTO

(37 CFR 1.482)\$690.00

No international preliminary examination fee paid to USPTO

(37 CFR 1.482) but international search fee paid to USPTO

(37 CFR 1.445(a)(2))\$710.00

Neither international preliminary examination fee (37 CFR 1.482)

nor international search fee (37 CFR 1.445(a)(2)) paid to

USPTO\$1,000.00

International preliminary examination fee paid to USPTO

(37 CFR 1.482) and all claims satisfied provisions of PCT

Article 33(1)-(4)\$96.00

ENTER APPROPRIATE BASIC FEE AMOUNT = \$860.00

Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20
[] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

Claims	Number Filed	Number Extra	Rate
Total Claims	58 - 20 =	38	X \$18.00
Independent Claims	26 - 3 =	23	X \$80.00
Multiple dependent claim(s) (if applicable)			+ \$270.00

TOTAL OF ABOVE CALCULATIONS =

Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity
statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).

SUBTOTAL =

Processing fee of \$130.00 for furnishing the English translation later than
[] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment
must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00
per property +

TOTAL FEES ENCLOSED =

CALCULATIONS PTO USE ONLY

\$ 860.00

\$

\$ 684.00

\$1,840.00

\$

\$3,384.00

\$1,692.00

\$1,692.00

\$

\$1,692.00

\$

\$

Amount to be
refunded

\$1,692.00

charged

\$

a. [] A check in the amount of \$_____ to cover the above fees is enclosed.

b. [X] Please credit my Deposit Account No. 50-0220 in the amount of \$1,692.00 to cover the above overpayment of
fees. A duplicate copy of this sheet is enclosed.c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 50-0220.NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must
be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Karen A. Magri
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to Box
PCT, Commissioner for Patents, Washington, DC
20231, on November 29, 2000.Marjorie J. Pfaffter
Date of Signature: November 29, 2000

SIGNATURE

Karen A. Magri

41,965
REGISTRATION NUMBER

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(i) AND 1.27 (d)) - NONPROFIT ORGANIZATION**Docket No.
3206-192/PAR

Serial No.

Filing Date

October 27, 2000

Patent No.

Issue Date

Applicant/ **EGAN, Sean, E. et al.**
Patentee:Invention: **ESE GENES AND PROTEINS**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: HSC Research and Development Limited PartnershipADDRESS OF ORGANIZATION: 555 University Avenue, Suite S270Toronto, OntarioM5G 1X8Canada**TYPE OF NONPROFIT ORGANIZATION:**

- ☐ University or other Institute of Higher Education
- ☐ Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))
- ☐ Nonprofit Scientific or Educational under Statute of State of The United States of America
Name of State: Citation of Statute:
- ☒ Would Qualify as Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if Located in The United States of America
- ☐ Would Qualify as Nonprofit Scientific or Educational under Statute of State of The United States of America if Located in The United States of America
Name of State: Citation of Statute:

I hereby declare that the above-identified nonprofit organization qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification to be filed herewith.
- ☒ the application identified above.
- ☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below.

FULL NAME
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: _____

TITLE IN ORGANIZATION: _____

ADDRESS OF PERSON SIGNING: _____

Anne Marie Christian, President
Research and Development Limited Partnership

SIGNATURE: _____

DATE: _____

Nov 3/00

Attn: Refund Department

Certificate of Transmission under 37 CFR 1.8

Fax: (703) 308-5077

Telephone: (703)305-4229

I hereby certify that this correspondence is being facsimile transmitted
to the United States Patent and Trademark Office.

on July 29, 2002.

Date

Sloan Hobbs
Signature

Sloan Hobbs
Typed or printed name of person signing

Attorney's Docket No. 3477-89

PATENT

In re: Application of Egan et al.

Group: 1646

Serial No.: 09/674,237

Filed: July 24, 2001

For: **ESE GENES AND PROTEINS**

Resubmission of:

1. **REQUEST FOR REFUND OF FILING FEE**
2. **Copy of Cleared Check # 019519**
3. **Copy of Small Entity Statement and Transmittal**

⑦ total pages

OFFICE OF REFUND
REQUESTS
JUL 29 2002

PATENT AND TRADEMARK OFFICE
13-10-0001
11-02-2000
FOR CREDIT TO THE
U.S. TREASURY

0312 09045

POST VIRGINIA BANK
102 ARLINGTON BLVD
FALLS CHURCH, VA
1-800-523-9498
056 001 1184

107-300

CO DO ON 11/17/02

02998440

10015106

PAY TO THE ORDER OF
Honorable Commissioner

THREE THOUSAND THREE HUNDRED EIGHTY-FOUR & 00/100 DOLLARS

10/27/00

19519 **\$3,384.00

MYERS BIGEL SIBLEY & SALOVEC, P.A.
PATENT LAWYERS
Operating Account
SUITE 284, 111 CORNING ROAD, CARY, NC 27511
PO BOX 37428, RALEIGH, NC 27623

BRANT
BRANCH BANKING & TRUST
200 EAST SHANTAM STREET
CARY, NC 27511

DATE 08-11-2001

CHECK NO.

AMOUNT

019519

AUTHORIZED SIGNATURE

[Signature]

019519 05310112115211682479

00000338400